

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ADRIANA MENDEZ,

Civil Action File No.

Plaintiff,

v.

WAL-MART STORES, INC.  
AND WAL-MART STORES EAST, LP,

Defendants.

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**NOTICE OF REMOVAL**

COMES NOW WAL-MART STORES, INC. (erroneously named) and WAL-MART STORES EAST, LP named Defendants in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP in the State Court of Gwinnett County, Georgia, which is within the ATLANTA Division of this Court 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 20-C-01702-S3 Plaintiff's claim against Defendants includes claims of negligence.

2.

Plaintiff filed the Complaint on or about March 10, 2020. Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP received service of summons and copies of the Complaint and filed their answer on June 9, 2020.

3.

Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP received Plaintiff's Answers to Defendant's First Interrogatories and Responses to Request for Production of Documents dated July 24, 2020. In response to Interrogatory #1 Plaintiff stated her medical expenses were \$266,091.00. Defendants have attached as Exhibit "A," Plaintiff's Responses to Defendants' First Interrogatories and Request for Production. Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP files this Notice of Removal within thirty (30) days after the receipt of the April 24, 2020 discovery from which it was first ascertained that the case became removable. 28 USC § 1446.

4.

Defendant Wal-Mart Store, Inc., now known as Walmart Inc., is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant Walmart Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter.

The principal place of business for Walmart Inc. is 708 SW 8th Street, Bentonville, AR 72716.

5.

Defendant WAL-MART STORES EAST, LP is a Delaware limited partnership, of which WSE Management, LLC is the only general partner, and WSE Investment, LLC is the only limited partner. The sole member of WSE Management, LLC and of WSE Investment, LLC is Wal-Mart Stores East, LLC, and the sole member of Wal-Mart Stores East, LLC is Walmart Inc. formerly known as Wal-Mart Stores, Inc. Walmart Inc. is a Delaware corporation with its principal place of business in the State of Arkansas, and it was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time thereafter. The principal place of business for all entities mentioned in this paragraph is 702 SW 8<sup>th</sup> Street, Bentonville, AR 72716.

6.

Adriana Mendez is a citizen of Georgia.

7.

Complete diversity of citizenship exists between Plaintiff and Defendants.

8.

Plaintiff Adriana Mendez claims she suffered injuries to her right shoulder, neck, and low back, along with suffering bruises and contusions. Plaintiff underwent facet joint injections and transforaminal epidural injections in her lumbar spine. On February 5, 2019, Plaintiff underwent right shoulder arthroscopic surgery, including a biceps tenotomy, subacromial decompression, and superior labral debridement. Then on May 4, 2020, Plaintiff underwent a left L4-5 and left L5-S1 microdiscectomy with bilateral decompression. Plaintiff claims damages for past, current, and future pain and suffering, including lost wages. The amount in controversy, exclusive of interest and costs, exceeds \$75,000. See Exhibit "A," Plaintiff's Responses to Defendants' First Interrogatories and Request for Production.

9.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendants.

10.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendants have attached as Exhibit "B" copies of all the pleadings that were provided to and served upon

Defendants, including copies of all pleadings that have been filed to date in the State Court of Gwinnett County, Georgia for the above-styled case.

11.

Pursuant to 28 U.S.C. § 1446, Defendants are not required to file a removal bond.

12.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

13.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Gwinnett County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP pray that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

McLAIN & MERRITT, P.C.

/s/ Jennie E. Rogers

Jennie E. Rogers  
Georgia Bar No. 612725

/s/ Howard M. Lessinger

Howard M. Lessinger  
Georgia Bar No. 447088

The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the font and point selections approved by the court in LR 5.1B.

/s/ Jennie E. Rogers  
Jennie E. Rogers

**CERTIFICATE OF SERVICE**

This is to certify that on August 18, 2020, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Jennie E. Rogers  
Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendants  
WAL-MART STORES, INC.  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500  
Atlanta GA 30326-3240  
(404) 365-4576  
jrogers@mmatllegal.com